

APPROVED: Meeting No. 28-80

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 24-80

June 9, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday June 9, 1980 at 8:00 p.m.

PRESENT

Mayor pro tem John Freeland  
(arrived 8:10)  
Councilman Steve Abrams  
Councilwoman Phyllis Fordham  
Councilman John Tyner

ABSENT

Mayor William E. Hanna, Jr.

In attendance: City Clerk Helen Heneghan, City Manager Larry Blick, Assistant City Manager Daniel Hobbs, City Attorney Roger W. Titus, Assistant City Attorney Francis Lacey, Director of Planning James M. Davis, Director of Recreation and Parks Ron Olson, Director of Finance John Lawton, Public Information Officer Sue Patterson, Director of Public Works Robert Goodin.

The Mayor pro tem in the Chair.

Re: City Manager's Report

Mr. Blick reported the following:

1. On Thursday and Friday of this week The Community Technology Initiatives Program will be meeting at the Rockville Civic Center.
2. On Monday, the Mayor, the City Manager and the Director of Finance will be traveling to New York to meet with officers of the Standard and Poore Company and Moody Company to attempt to increase the City's bond rating.
3. Two City interns have secured full-time jobs. Carolyn Marks has taken a job as a budget analyst in Pittsburgh and Richard Skobel has taken a job as a budget analyst in the District of Columbia.

Re: Decision: Parking Permit Legislation for  
Twinbrook Area

Resolution No. 13-80

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 13-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, allowing a parking permit area in the Twinbrook Section of the City was adopted by the Council.

Re: Decision: Request from Montgomery County  
Historical Society for waiver of  
fees for use of the Civic Center  
Mansion

Following is a decreasing payment scale developed to recover fees for use of the Civic Center Mansion. Payment Scale I shows the percent of profit needed to meet the total charge for the anticipated use. Payment Scale II shows the percent of profit needed to reach the minimum revenue that would normally be acquired by the Mansion if the antique show were not held.

The purpose of the Payment Scale is to outline the participation the Civic Center Mansion will have in the Gross proceeds of an antique show sponsored by the Montgomery County Historical Society on April 24, 25, and 26 in lieu of waiving fees. The extent to which the Mansion participates in the Gross Proceeds is limited to the current fee schedule for "Rockville Public" groups.

PAYMENT SCALE I

City Retains:	90% of First \$500.00 (profit)	-	450.00
	85% of Second 500.00	-	425.00
	75% of Third 500.00	-	375.00
	65% of Fourth 500.00	-	325.00
	60% of Fifth 500.00	-	300.00
			<u>\$1,875.00</u>

PAYMENT SCALE II

City Retains:	90% of First \$500.00 (profit)	-	450.00
	70% of Second 500.00	-	350.00
	50% of Third 500.00	-	250.00
	20% of Fourth 500.00	-	100.00
			<u>\$1,150.00</u>

The staff recommends Payment Scale II be accepted with the understanding that the antique show be held on a trial basis since it also is in conflict with City policy on selling items within the confines of the building.

The Council discussed the pros and cons of allowing this waiver. Councilwoman Fordham pointed out that the Historical Society will be benefitting the Beall/Dawson House on City property and fees were waived recently for a group that had no connection with the City. Councilman Tyner asked the staff if the sale of materials is a problem. Mr. Olson said they would be selling things in the mansion that day, but the staff has been encouraging them to take orders. The City Manager said the problem with encouraging orders is sometimes a commission can be lost to the Historical Society. After further discussion, on motion of Councilwoman Fordham, duly seconded, fifty percent of Payment Scale II was adopted provided that the City's reimbursement for facility use will be paid first. The motion passed, Mayor pro tem Freeland, Councilmembers Fordham and Tyner voting aye, Councilman Abrams voting nay.

Re: Adoption of Ordinance: To authorize the issuance and sale of Three Million Five Hundred and Ten Thousand Dollars (\$3,510,000) aggregate principal amount of its serial maturity, general obligation, coupon bond designated "General Improvement Bonds, Series 1980", providing that the proceeds of said bonds, or any monies which may be deemed proceeds, will not be used in a manner which would cause such bonds to be "arbitrage bonds"; and generally providing for the issuance, sale and delivery of such bonds.

Ordinance No. 19-80

Mr. Titus submitted an amendment to the Council. Mr. Edward Clark of the bond consultants, Piper and Marbury, addressed the Council and thanked them for the splendid cooperation by the staff.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Ordinance was amended to replace page 15.

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 19-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, authorizing the bond issuance was adopted by the Mayor and Council.

At this time, Mayor pro tem Freeland assumed the Chair and thanked everyone for their indulgence in his being late. He apologized, but he explained the circumstances of having earlier attended his son's graduation from high school and at the dinner afterwards participating in the celebration of his daughter's engagement. He said that his son was one of the first participants in a Montgomery County Special Education Class directed by Mary Ellen Hayes. Mrs. Hayes has been approached by the Readers' Digest to write an article on the success of her program and she will be using David Freeland as her model.

Re: Citizens' Forum

The Mayor pro tem opened the meeting to those citizens who wished to address the Mayor and Council.

1. Joseph Derenge, 522 Beall Avenue. Mr. Derenge presented a petition to the Council from the rail commuters in the City who have a problem with the loss of parking due to Metro construction and the imminent loss of shelter due to the moving of the station. He asked that the City provide them with free parking to encourage rail transport. Mayor pro tem Freeland said there will be shelter from the new station before the old one is taken away. There will also be a new parking facility when Metro is finished.

2. David E. Betts. Mr. Betts cautioned the Council on making decisions on agenda items this evening prior to the possible close of the record at 11:15 p.m. which is the time last week's meeting ended.

There being no other citizen wishing to be heard, the Mayor pro tem closed the Citizen's Forum portion of the meeting.

Re: Public Hearing - Public Improvements  
for the Construction of Research  
Boulevard North of State Route 28 to  
Shady Grove Road as a Special Assess-  
ment project.

The Mayor and Council conducted a public hearing on public improvements for the construction of Research Boulevard and heard those persons as will be found in the official stenographic transcript of the hearing.

There being no other citizen wishing to be heard, the Mayor pro tem declared the hearing to be closed with the record to be held open for thirty days.

Re: Decision: Text Amendment Application T-33-80, Mayor and Council, Applicant, governing hearing and withdrawal of exploratory applications for Planned Residential Units.

On motion of Councilman Tyner, there was introduced upon the table an ordinance to grant Text Amendment Application No. T-33-80, Mayor and Council of Rockville, Applicant, said ordinance to lay over at least one week before final action is taken.

Re: Decision: Text Amendment Application, T-34-80, Mayor and Council Applicant, to allow for reconsideration of approval of Planned Residential Units if the property is not developed in specified periods of time.

The Council discussed with Francis Lacey, the Assistant City Attorney, the definition of "substantial construction" because of the question raised by Councilman Abrams. Because of the problems that could be caused by exact definition bringing about a prolonged construction period and attempts to skirt the issue, the Council made no change in the phrase.

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to grant Text Amendment Application No. T-34-80, Mayor and Council of Rockville, Applicant, said ordinance to lay over at least one week before final action is taken.

Re: Decision: Text Amendment Application, T-35-80, Mayor and Council Applicant, increasing the parking requirement for housing for the elderly.

Councilman Abrams moved, duly seconded, that the parking space number be amended from the number three (3) as shown in the ordinance to two (2). That would mean that there would be one (1) parking space for every two (2) apartments. At the same time, Councilman Abrams questioned the phrasing in the ordinance which allows the Board of Appeals or the Planning Commission to require additional parking. He questioned what standards will be used. Mr. Lacey cautioned against the amendment, it being his feeling that the amendment was quite substantial and should necessitate returning the amendment to the Planning Commission and having it back for a second public hearing. Since the change is substantial, Councilwoman Fordham withdrew her second of the motion and the motion failed for lack of a second.

Councilman Abrams said he has a problem when a more stringent space allowance is vested in an appointed body rather than in an elected body. He said if that is the case, there should be a definite base from which that body can work since it would seem to him that they are in effect legislating and legislating should be the work of elected officials. Mr. Owens explained the text amendment process where the Planning Commission has the last word.

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to grant Text Amendment Application No. T-35-80, Mayor and Council of Rockville, Applicant said ordinance to lay over at least one week.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. J. H. Harman, Esquire, re reduction in fee for Mansion.

Councilman Abrams said the tone of the letter indicates an apparent misunderstanding and there should be a clause in the standard lease agreement to denote the type of group so there are some objective criteria against which to judge. He said if they leased the mansion at one time and were classified as a particular group, that classification should continue. Councilwoman Fordham said she would like to see if there is a precedent since if this was the City's mistake, definitely a 50% refund should be given to the group unless something else comes from the City Manager who is looking into it. Mayor pro tem suggested that no decision be made by the Council until the City Manager has an opportunity to return with a recommendation.

2. Delegate Forehand, re HB1648 and reintroduction.
3. J. C. Zercher, re Memorial Day Parade.
4. Mr. and Mrs. Grail, complimenting City employees.  
Mr. and Mrs. Lannon, complimenting City employees.
5. H. McGilvray, re litter problem.

Councilwoman Fordham asked if a ticket can be given for littering. The City Manager explained that a ticket can be given and tickets are given, but there is a problem with catching persons in the act. Councilwoman Fordham asked that the interns explore this problem.

6. E. J. Sharp, re assistance for needy children.
7. Letters re Academy grant.
8. Jane Carter, re baseball problem.

Re: Information Items

1. Copy of letter to Watts Branch Meadows developer re completion of work.
2. Copy of article in American City and County by R. Goodin.
3. Memo from Community Resources re Youth Employment.
4. Memo from Graphics Supervisor re worth of professional meetings.
5. Memo from Traffic and Transportation Commission re Speed Humps.

Councilman Tyner suggested that the staff investigate the cost of a pilot project and pick a location such as the 1600 Block of Lewis Avenue and put this into effect. Mayor pro tem Freeland agreed and asked that it be done and not studied. Since it does work in Great Britain, it should be tried in residential areas of the City. Councilman Abrams suggested that a pilot project be conducted on Stratton Drive in the vicinity of Potomac Woods Park. The City Manager was quite pleased with this suggestion and said it could be tried out. Mayor pro tem Freeland advised the City Manager to inform both County and City police of the experiment and then contact the fire department and explain what is being done. He asked the neighbors also be told of what would be happening.

6. Memo from Director of Planning re Bus Service to Lincoln Park.

Councilman Tyner asked that the City Manager work out some budget figures prior to the Council's wrap-up session to assist with the bus service. The Council agreed to this.

Re: Adjournment

There being no further business to come before the Council in General Session, the meeting was adjourned at 10:55 p.m. to convene again in General Session on Monday, June 16, 1980 at 8:00 p.m. or at the call of the Mayor.